

3:22-mj-00088

DISTRICT OF OREGON, ss:

AFFIDAVIT OF JEFFREY THOMAS

Affidavit in Support of a Criminal Complaint

I, Jeffrey Thomas, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7). I am currently employed as a Special Agent with the Drug Enforcement Administration (DEA), United States Department of Justice, and have been so employed since 2012. In that capacity, I investigate violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et. seq.* My current assignment is with the DEA Salem Resident Office, investigating controlled substances crimes. My training and experience includes completion of the sixteen (16) week DEA Basic Agent Training course at the Justice Training Center in Quantico, Virginia. This training focused on the identification of controlled substances; how controlled substances are consumed; the means by which drug traffickers derive, launder, and conceal their profits from drug trafficking; the use of assets to facilitate unlawful drug trafficking activity; and the laws relating to the forfeiture to the United States of assets purchased with drug proceeds or assets used or intended to be used to facilitate drug violations. I am familiar with investigations of drug trafficking organizations, including methods of importation and distribution of controlled substances. I have assisted with multiple investigations, including nine wiretap investigations, and cases involving organizations trafficking several different controlled substances to include heroin, methamphetamine, cocaine, counterfeit oxycodone pills, and marijuana. These investigations have resulted in the seizure of controlled substances as well as United States currency and the prosecution of many defendants.

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Purpose of Affidavit

2. This affidavit is submitted to support a criminal complaint and arrest warrant for **Juan Luis Osuna Hernandez**, a Hispanic male, date of birth xx/xx/1974 (hereinafter “**OSUNA**”), **Jose Saul Aramburo Aguilar**, a Hispanic male, date of birth xx/xx/1985 (hereinafter “**AGUILAR**”), and **Daniel Isaac Leon Lerma**, a Hispanic male, date of birth xx/xx/1986 (hereinafter “**LERMA**”), for engaging in a conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, and 400 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(A)(vi), 841(b)(1)(A)(viii), and 846.

3. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral and written reports of other law enforcement officers; and, from records, documents and other evidence obtained during this investigation. I have obtained and read official reports prepared by law enforcement officers participating in this investigation and in other related investigations.

Description of Confidential Source (“CS”)

4. In 2019, CS approached officers and volunteered to provide information about the operations of a separate drug trafficking organization operating in Salem, Oregon and elsewhere. CS is working in exchange for monetary consideration and immigration benefits. Officers have found CS to be credible and reliable. CS’s criminal record includes a felony conviction for illegal entry into the United States. CS also has multiple prior arrests, including a felony arrest for possession of a controlled substance. CS has one prior misdemeanor arrest for a crime of dishonesty—Giving False Information to Police. SA Carr and TFO Zuniga spoke to CS

regarding CS's arrest for giving false information to police. CS reported that CS had previously been arrested for illegal entry and feared deportation if CS provided police with CS's real name. Therefore, CS initially gave law enforcement a false name and date of birth, but eventually gave CS's true identity to officers. CS was recently convicted of the following misdemeanor crimes – DUII, Interfering with a Peace Officer, and Driving with a Suspended License as a result of prior arrests. I have spoken to and worked with CS, and I believe CS to be credible and reliable.

5. As part of CS's work with officers, DEA Task Force Officer (TFO) Zuniga assigns phone numbers to CS to be used for recording communications with target subjects of investigations. CS is aware that the communications to/from these phone numbers are recorded by officers. TFO Zuniga is able to send/receive text messages from/to these phone numbers on behalf of CS.

6. On May 15, 2022, officers directed CS to call **OSUNA**, who the CS knew from previous drug deals and knew to be an active drug dealer, at 541-xxx-2432 (herein "2432 Phone"), to arrange to purchase twelve pounds of methamphetamine and five thousand suspected fentanyl tablets. CS knows the 2432 number to be **OSUNA**'s number. The CS then called the 2432 number and talked to **OSUNA** and ordered the drugs. TFO Zuniga and SA Mendoza, acting as CS, sent text messages to 2432 Phone to help arrange the purchase of controlled substances. Later that night, **OSUNA** called the CS and said that the methamphetamine and fentanyl would be ready to be delivered the following day, May 16, 2022. CS recognized **OSUNA**'s voice and confirmed it was **OSUNA** who the CS talked with.

7. On May 16, 2022, the CS spoke to **OSUNA** at 2432 Phone and coordinated to meet the couriers, later identified as **AGUILAR** and **LERMA**, at the Home Depot parking lot located at 3795 Hagers Grove Road SE, Salem, Oregon. At 4:23 p.m. **OSUNA** called the CS

and said that the couriers were close by and that a courier would call the CS to coordinate the meet. At 4:27 p.m. the CS received an incoming call 909-xxx-9765. In this call one of the couriers, who we believe was **AGUILAR**, told the CS that they had arrived at the Home Depot in Salem, Oregon and were in a white truck or SUV. At about 4:35 p.m. the CS walked up to a white Lexus SUV with California license plate xxxx028. TFO Zuniga saw **LERMA** and **AGUILAR** exit the Lexus and meet with the CS.

8. The CS later told me that **LERMA** and **AGUILAR** told the CS that they had the drugs but wanted to do the transaction somewhere else. The CS departed the area and agents took **LERMA** and **AGUILAR** into custody without incident. OSP Trooper Adam Miller applied his drug detection K-9 on the vehicle and it alerted to the presence of the odor of controlled substances inside the Lexus. Trooper Miller's K-9 is a trained and certified drug detection dog. Agents then searched the vehicle. Inside the spare tire well in the trunk of the vehicle, SA Otte located two white plastic trash bags containing approximately fifteen burrito shaped packages of white crystal substance wrapped in cellophane. Each of these individual packages weighed approximately one pound. I know a pound is approximately 453 grams. I also found a package of approximately 5,000 small light blue tablets wrapped in plastic concealed in the right side compartment of the trunk area of the Lexus. I recognized that these tablets match the description for tablets that have tested positive for fentanyl in other investigations that I have been involved. These pills weighed more than 400 grams. These tablets will be sent to the DEA laboratory for analysis.

9. **OSUNA** was later arrested during a traffic stop by the Salem Police Department. When **OSUNA** was arrested he was found in possession of the phone with the 2432 number.

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OSUNA, AGUILAR and **LERMA** were all transported to the DEA Salem office to be booked and interviewed.

10. TFO Zuniga read **AGUILAR** his oral *Miranda* warnings and **AGUILAR** agreed to answer some questions. **AGUILAR** admitted that he came to Oregon to deliver the methamphetamine and the pills but claimed that he didn't know what the pills were. **LERMA** was also read his oral *Miranda* warnings and was agreeable to answering questions. **LERMA** denied knowing anything about the drugs concealed in the Lexus, however, the CS said that both **LERMA** and **AGUILAR** met with the CS to discuss how they would complete the exchange of money for controlled substances, demonstrating **LERMA**'s knowledge of the drugs. This was verified as TFO Zuniga saw the CS meet with both **LERMA** and **AGUILAR** just before they were arrested. TFO Zuniga read the oral *Miranda* warnings to **OSUNA**. **OSUNA** requested a lawyer and the interview was terminated.

11. SA Mendoza and I transported the suspected methamphetamine and suspected fentanyl tablets to the DEA Salem Office. The suspected methamphetamine (approximately 15 pounds in total) weighed more than 500 grams and the suspected fentanyl tablets/pills weighed more than 400 grams. SA Mendoza and SA Otte conducted a field test of the suspected methamphetamine which returned a presumptive positive test for methamphetamine, a Schedule II controlled substance. SA Mendoza and SA Otte then processed the blue tablets into evidence. I observed that the tablets were small round and light blue. We did not conduct a field test of the tablets. However, based on my training and experience, I recognize that these tablets look the same as tablets we have purchased in other investigations that tested positive for fentanyl, a schedule II controlled substance, at a DEA laboratory. Based upon my training and experience I also believe these pills were manufactured with fentanyl.

12. I know that drug couriers often work with partners. Working with a partner allows one courier to drive and switch out driving responsibilities with the other partner, which is especially useful on long trips. I also know that having a partner allows one courier to drive the vehicle and allows the second courier to keep an eye out for law enforcement or other threats to their illegal business. I also know that drugs are a valuable commodity and that drug organizations do not entrust large amounts of drugs, such as the amounts of drugs seized in this case, to unwitting or unknowing individuals.

13. I know, based upon my training and experience, that methamphetamine is typically used in quantities of approximately one-tenth (.1) of a gram, either intravenously or smoked. Accordingly, I know that a person possessing between 10 to 15 pounds of methamphetamine does not possess it for personal use but rather such a quantity indicates that it is possessed for purposes of further distribution.

14. I know that drug traffickers are increasingly selling little round blue counterfeit prescription pills that are manufactured with fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide), a Schedule II controlled substance. These counterfeit pills are designed to replicate real 30 mg Oxycodone Hydrochloride pills, which are round, blue in color, and stamped with an "M" and "30" on them. Drug dealers regularly counterfeit these pills and, while attempting to replicate the round shape, the blue color, and the stamp of "M" and "30," they are instead manufacturing these pills with fentanyl as the active ingredient. The counterfeit pills, while looking roughly similar to the real thing can often be distinguished based upon their appearance. The counterfeit M30 pills often have a different shade of blue than the real thing and sometimes they are even manufactured in different colors, the edges of the pills and the stamped impressions are often rough and lack the precision of a real 30 mg Oxycodone

Hydrochloride pill, and sometimes the counterfeit pills will crumble easily under pressure. I have seen and seized tens of thousands of these counterfeit M30 pills and lab reports have confirmed the presence of fentanyl within many of them. I know a user amount of a counterfeit M30 pill is often one pill, which can either be ingested or burned and inhaled. I know some addicts will smoke up to 10 to 30 pills a day. I know that a person possessing approximately 5,000 suspected fentanyl pills does not possess those pills for personal use but rather such a quantity indicates that they are possessed for purposes of further distribution.

Conclusion

15. Based on the foregoing, I have probable cause to believe, and I do believe, that **Juan Luis Osuna Hernandez, Jose Saul Aramburo Aguilar, and Daniel Isaac Leon Lerma** committed the crime of engaging in a conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, and 400 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(A)(vi), 841(b)(1)(A)(viii), and 846. I therefore request that the Court issue a criminal complaint and arrest warrant for **Juan Luis Osuna Hernandez, Jose Saul Aramburo Aguilar, and Daniel Isaac Leon Lerma**.

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16. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney Scott Kerin. AUSA Kerin advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By phone pursuant to Fed R. Crim. P. 4.1

JEFFREY THOMAS

Special Agent

Drug Enforcement Administration

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 12:05 p.m. on May 17, 2022.

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HONORABLE YOLEE YIM YOU
UNITED STATES MAGISTRATE JUDGE